

PLANNING COMMISSION MINUTES
June 18, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0062

Request: Change in zoning form C-2 to EZ-1 with detailed district development plan
Project Name: South Park Road Warehouse
Location: 3105R & 3308 South Park Road
Owner: Utica Properties, LLC
Applicant: Utica Properties, LLC
Representative: Dinsmore & Shohl, LLP
Jurisdiction: Louisville Metro
Council District: 13 – Mark Fox
Case Manager: Joel P. Dock, AICP, Planner II

Notice of this public hearing appeared in The Courier Journal, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:42:18 Joel Dock presented the case via Power Point slide show (see staff report and recording for detailed presentation.) He detailed the case summary, technical review, and staff findings.

01:46:26 Commissioner Howard asked if the Planning Commission needs to include in the motion to abandon the existing binding elements. Joel Dock replied in the staff report stated the existing binding elements will be abandoned and the proposed will be adopted to prevent confusion.

01:48:21 Commissioner Brown asked if the applicant provided a traffic impact study for the left turn lane from the South Park Road access. Joel Dock replied transportation staff can answer this question. Beth Stuber stated

01:49:49 Commissioner Howard asked Joel Dock about existing binding element 20 regarding conditional use permit for mobile home park. Joel Dock replied adjacent properties and will not be affected by the abandonment of binding elements on the subject property (see recording for detailed presentation.)

The following spoke in favor of this request:

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Cliff Ashburner, 101 South Fifth Street, suite 2500, Louisville, Kentucky, 40202

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in favor:

01:51:49 Cliff Ashburner, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Ashburner stated Doug Thuman and Kevin Young are present to answer questions.

01:57:80 Commissioner Peterson asked which directions would truck drivers go from the access point, entering and exiting, on South Park Road. Cliff Ashburner replied trucks will be expected turn right while exiting to travel to I-65. Kevin Young stated in correspondence with Metro Works if the left turn lane is requested the developer will provide it.

01:59:40 Commissioner Carlson asked flood plain compensation ratio designed for. Kevin Young replied 1 to 1 1/2 ratio. Commissioner Carlson stated concerns with the amount of truck drivers on South Park Road and if a sign could be installed to deter drivers directing trucks to Minor Lane (see recording for detailed presentation.) Cliff Ashburner replied a sign can be installed to help direct traffic to Minor Lane would be appropriate.

02:03:28 Joel Dock and Commissioner Carlson discussed the binding element and location for the proposed sign (see recording for detailed presentation.) Cliff Ashburner proposed to put the sign on the applicant's property. Commissioner Jarboe agreed.

The following spoke in opposition to this request:

No one spoke.

Deliberation

02:05:37 Planning Commission deliberation (see recording for detailed presentation.)

02:07:41 Joel Dock stated the following language for Commissioners consideration: "In coordination with Planning and Design Services Transportation and Planning staff signage shall be installed to restrict left turns for heavy trucks." Commissioners agreed to this binding element.

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An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Zoning Change from R-5 to R-5B

02:09:21 On a motion by Commissioner Peterson, seconded by Commissioner Carlson, the following resolution based on the Plan 2040 Staff Analysis and testimony heard today was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposed district is in the Suburban Workplace form district in a primarily industrial area. The proposed higher intensity use is located to take advantage of nearby transportation and infrastructure as it is located with access to I-65 & I-265, the airport, and local arterial roadways. A sufficient population is present in nearby communities to provide employment as needed, the proposed district is located in the Suburban Workplace form district in a primarily industrial area. It is located with access to I-65 & I-265, the airport, and local arterial roadways, The proposed industrial district is situated to take advantage of a concentration of industrial uses in the workplace form district to relief pressure in citing elsewhere in residential communities and to take advantage of infrastructure. The immediate area previously contained a residential community which relocated as the airport expanded in the 1990's and the area has transitioned to industrial uses over the last few decades., The form district in which the site is located is intended to concentrate industrial and offices uses. Truck traffic and emissions should be expected in this form as it commonly serves warehousing and distribution centers, No adverse impacts of traffic are expected on nearby communities as the subject site has access to interstates and major arterials, as well as the airport without transporting through residential areas, No adverse impacts of noise are expected on nearby communities as the site is bounded by the interstate which provides mitigation against sound on nearby residential communities, The proposed district is segregated from population centers. Hazardous uses, if present, are segregated from residential areas; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, The proposal has been appropriately located in a SW form district which is characterized by predominately industrial and office uses, The proposed district allows for the largescale agglomeration of multiple uses in varying intensities, The proposed district allows for the largescale agglomeration of multiple uses in varying intensities. Trips will be determined by employment which is supported by nearby populations opposite the interstate; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, the site contains natural features that have been acknowledged and accommodated by the development. MSD preliminary approval has been received for this proposal, the site contains floodplain and conveyance zone. The site contains natural features that have been acknowledged and accommodated by the development. MSD preliminary approval has been received for this proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, it would not appear that the site contains features of historic or landscape significance, it would not appear that the site contains features of historic or cultural significance; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposed district is in an area that supports a wide range of employment opportunities that, in-turn, supports fewer trips and efficient transportation. Public Transit routes are present along National Turnpike and Preston Highway; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, Pedestrian accessibility to support the movement of employees using public transportation will be accommodated to the best of subject sites ability, The use is appropriately located to segregate heavy truck traffic from passenger traffic and residential areas. Pedestrian accessibility to support the movement of employees using public transportation will be accommodated to the best of subject sites ability, the area is a workplace district and the subject site will accommodate to the best of its ability pedestrian and multi-modal infrastructure, All improvements requested by Transportation Planning staff will be provided, The developer will share in the responsibility of provisioning for the safe movement of pedestrian via sidewalks, Long range improvements required of the development will be provided; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, The proposal will be served by existing utilities or capable of being served by public or private utility extensions, The proposal will have an adequate supply of potable water and water for fire-fighting purposes, The proposal will have an adequate means of sewage treatment and disposal to protect public health and to protect water quality; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, The proposal

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will support existing and future uses within the workplace form and it is compatible with the scale and intensity of those uses, The proposal is in a developing industrial area within the bounds of the workplace form to take advantage of special infrastructure needs, The proposal is in a developing industrial area with appropriate connectivity to interstates, the airport, and major arterial roadways; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, the site contains natural features that have been acknowledged and accommodated by the development. MSD preliminary approval has been received for this proposal, the subject property is in the floodplain. MSD preliminary approval has been received for this proposal; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from C-2, commercial to EZ-1, enterprise zone on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Howard, Seitz, Peterson, Carlson, Brown, Lewis, and Jarboe.

NO: No one.

NOT PRESENT AND NOT VOTING: Commissioners Daniels and Mims.

Revised Detailed District Development Plan and Binding Elements

02:11:50 On a motion by Commissioner Peterson, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds the site contains natural features that have been acknowledged and accommodated by the development. MSD preliminary approval has been received for this proposal. No historic or cultural features are present; and

WHEREAS, the Commission further finds Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided as no adverse impacts of traffic are expected on nearby communities as the subject site has access to interstates and major arterials, as well as the airport without transporting through residential areas. Public Transit routes are present along National Turnpike and Preston Highway. Sidewalks and connection to building entrances is also

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provided; and

WHEREAS, the Commission further finds Sufficient open space is provided as floodplain compensation will be provided; and

WHEREAS, the Commission further finds the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Commission further finds the proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the subject property situated to take advantage of a concentration of industrial uses in the workplace form district to relief pressure in citing elsewhere in residential communities and to take advantage of infrastructure; and

WHEREAS, the Commission further finds the proposed development plan conforms to Plan 2040. The proposal is in the Suburban Workplace form district in a primarily industrial area. The Suburban Workplace is a form characterized by predominately industrial and office uses. The proposed warehouse is located to take advantage of nearby transportation and infrastructure as it is located with access to I-65 & I-265, the airport, and local arterial roadways. The warehouse is also situated to take advantage of a concentration of industrial uses in the workplace form district to relief pressure in citing elsewhere in residential communities and to take advantage of infrastructure. The immediate area previously contained a residential community which relocated as the airport expanded in the 1990's and the area has transitioned to industrial uses over the last few decades. No adverse impacts of traffic or noise are expected; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Detailed District Development Plan **SUBJECT** to the abandonment of existing binding elements and to accept the proposed binding elements with the addition of binding elements 7 and 8;

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

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2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
 - d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
3. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
4. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

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6. No new outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
7. In coordination with Planning and Design Services, Transportation Planning staff, signage shall be installed on the subject property to restrict left turns for heavy trucks.
8. A left turn lane from South Park Road to the site entrance shall be provided prior to certificate of occupancy. Construction plans and permits for the left turn lane will be required prior to the issuance of any building permit for structures or vehicle use areas.

The vote was as follows:

YES: Commissioners Howard, Seitz, Peterson, Carlson, Brown, Lewis, and Jarboe.

NO: No one.

NOT PRESENT AND NOT VOTING: Commissioners Daniels and Mims